IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1804/2007
(Sunita & Anr. Vs. State of Rajasthan & Anr.)

Date of Order : 11/12/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Kalu Ram Bhati for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.
Mr. K.R.Meghwal for the respondent No.2.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners Sunita and Amit James seek quashing of FIR No. 411/2007, Police Station, Pratap Nagar, Jodhpur for the offence under Section 366 IPC.

Sunita aged about 22 years is present in Court along with the investigating officer. Parents of Sunita are also present in Court.

Heard learned counsel for the parties. Perused the investigation diary and statement of Sunita.

An FIR was lodged by Indra Ram Panwar father of

Sunita alleging therein that on 28.9.2007 at about 2-2.30 PM while he and his wife went to hospital in order to see a close relative admitted in the hospital, Sunita also accompanied them, however, in the hospital, she along with two boys Amit James and one more, went away. On this FIR, the police registered a crime report under Section 366 IPC. Apprehending arrest, Amit James and Sunita who claims to be now married to Amit James have filed the instant petition seeking to quash the FIR.

Sunita has stated in Court that she telephoned to Amit James, called him in hospital and thereafter voluntarily at her sweet will went with Amit James in order to marry with him. She also stated that she has love affairs with Amit for over six years and decide to marry each other and in pursuance thereto she called Amit and thereafter went on motorcycle to bus stand and boarded the bus and went to Ajmer where they solemnized the marriage according to Christian religion and now she claims to be the wife of petitioner No.2 Amit James. Sunita stated that her date of birth is 06.10.1985 and as such as on date she is more than 22 years of age. She studies up to B.Sc. and understands her well beings.

In view of the statement of the prosecutrix, in my view, there is absolutely no evidence that the prosecutrix was taken away from the lawful guardianship of her father or mother. She being major as is evident from the date of birth certificate

issued by the Education Department. In the circumstances, therefore, in my view, no useful purpose would be served in allowing the FIR to stand or any further investigation and in order to secure the ends of justice, the FIR in question deserves to be quashed.

In the result, the criminal misc. petition is allowed. The FIR No. 411/07 P.S.-Pratapnagar, Jodhpur and any proceeding taken thereunder, is hereby quashed.

(H.R.PANWAR),J.

rp

S.B.Cr. Misc. Stay Petition No. 1441/07

In

S.B. Cr. Misc. Petition No. 1804/2007

Date of order : 11.12.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Kalu Ram Bhati for the petitioner.

Mr. Ashok Upadhyay, P.P.

Mr. K.R.Meghwal for the respondent No.2.

Since the criminal misc. petition itself has been allowed, the stay petition stands disposed of.

(H.R.PANWAR), J.

rp